



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,848	01/23/2004	Hisanori Nonaka	83394.0021	8221
26/021	7590	07/22/2008		
HOGAN & HARTSON L.L.P. 1999 AVENUE OF THE STARS SUITE 1400 LOS ANGELES, CA 90067			EXAMINER CHONG CRUZ, NADJA N	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 07/22/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/763,848

**Applicant(s)**

NONAKA ET AL.

**Examiner**

NADJA CHONG CRUZ

**Art Unit**

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 23 January 2004.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Status of Claims

1. This is a Non-Final office action in reply to the application filed on 23 January 2004.
2. Claims 1-10 are currently pending and have been examined.

### Priority

3. Applicant's claim for the benefit of a prior-filed application, Foreign Application No. 2003-026129, under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

### Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **Figure 4, reference character 401, Figure 7, reference characters 701, 703-704, Figure 11, reference character 301 and Figure 14, reference character 1401**. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because **Figures 2, 5 and 9, they do not include any reference sign(s)**. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each

drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version.

The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

#### **Specification**

7. The disclosure is objected to because of the following informalities:
8. The use of "means" has been noted in the Abstract. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.
9. The specification does not include any reference character(s) for the drawings: Figures 2, 5 and 9. Appropriate correction is required.

#### **Claim Objections**

10. Claim 8 is objected to because of the following informalities: it appears to be a missing period ("."). Appropriate correction is required.

#### **Claim Rejections - 35 USC § 112**

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3623

12. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
13. Regarding claims 2 and 3, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

**Claim Rejections - 35 USC § 101**

14. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
15. Claims 1 – 10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As recited, claims 1 – 10 are directed toward a computer program, software per se. However, under the current guidelines of 35 USC 101, computer software must be tangibly embodied on a computer readable medium, and, when executed by a computer processor, perform the steps of the software. In their broadest reasonable interpretation and in light of the specification, claims 1 – 10, as recited, can be interpreted to be embodied on abstract mediums such as carrier waves and signals, and therefore not eligible for patent protection. Accordingly, claims 1 – 10 are not eligible for patent protection.

**Claim Rejections - 35 USC § 103**

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
17. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (US 6,101,481) in view of Barnard et al (US 2002/0103731 A1) hereinafter "Barnard".

**Claims 1 and 10:**

Miller as shown discloses a system and program for task management, the system and program comprising:

- *an input means(step) to input a project program change regarding arbitral objects that compose works of a project* (Column 8, lines 63-64: which teaches that “[f]illing in the boxes in the template develops a useful plan and establishes input data simply and speedily” and Figures 3 and 3A which they illustrate the input of data to modify task details of a project);
- *a stake holder inference means(step) that infers and specifies stake holders who are relevant to said objects inferred and specified in said project change influence inference means* (Figure 3, which it illustrates the determination of who is directly and indirectly involved in the task and Figure 12 which it illustrates that after a modification notifies “the person responsible” (e.g., stake holders) “that an adjustment” (e.g., project change) “has been proposed”);
- *and an information notice means(step) that notifies information regarding influence of contents of program change to stake holders who are inferred and specified by said stake holder inference means* (Figure 12, which it illustrates that after a program change “[n]otify the person responsible that an adjustment has been proposed”);

Miller does not disclose the following limitation, however Barnard in an analogous art of task management for the purpose of project development (page 2, ¶ 0020) as shown, does:

- *a project change influence inference means(step) that infers and specifies objects which are influenced by said project program change in response thereto* (page 5, ¶ 0053, page 7 and 9, Table 4, which teaches that “[a] user with appropriate authority may then view, correct, update, approve or otherwise modify the displayed task” where in Table 4 illustrates that when Task ID P83 is modified, the system

"[a]ssess customer impact" (e.g., influence) "on internal Enterprise workload" (e.g., object). Barnard teaches that the invention as disclosed infers and specifies objects/task in response to a modification in Task ID P83. In addition, Task ID PD42, the system "[a]ssess supplier impacts related to transition management" (e.g., changes/modifications in transition management) and Task ID PD43, the system then "[a]ssess Enterprise support impacts related to transition management");

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to determine what objects (e.g., tasks, activities, deliverables) are influenced by a change as taught by Barnard, to improve Miller task management, thereby giving the predictable result of "tracking team activities" (Barnard, page 2, ¶ 0022) and to control and monitor "a project by storing and maintaining the result of the project activities" in order "to ensure consistency and data accuracy" (Barnard, page 14, Table 9, Description).

**Claim 2:**

The limitations of claim 2 encompass substantially the same scope as claim 1. Accordingly, those similar limitations are rejected in substantially the same manner as claim 1, as described above. The following are the limitations of claim 2 that differ from claim 1.

Miller as shown discloses a system for task management, the system comprising:

- *construction, development and manufacturing of a project* (Figure 1 which it illustrates projects and task, column 2 lines 62-63: which teaches "coordinating a plurality of tasks" (e.g., project) "to be carried out by a plurality of task personnel" and column 7, lines 36-37 which teaches "display of relevant tasks is constructed using direct involvement")
- *said project change influence inference means infers and specifies objects that are to be influenced by said project program change by using information, being stored in a data storage means therein, of the restrictive condition regarding said project*

(Figure 19 which it illustrates a data storage means, Figure 3 which it illustrates an input template including start and complete dates (e.g., restrictive conditions) and Figures 15 and 15A, column 10, lines 23-26 where Miller discloses a change involving task dates and how those areas that are affected are informed of the change, the restrictive condition is the parent task dates and the change is the time blowout);

**Claim 3:**

The limitations of claim 3 encompass substantially the same scope as claim 1. Accordingly, those similar limitations are rejected in substantially the same manner as claim 1, as described above.

The following are the limitations of claim 3 that differ from claim 1.

Miller as shown discloses a system for task management, the system comprising:

- *construction, development and manufacturing of a project* (Figure 1 which it illustrates projects and task , column 2 lines 62-63: which teaches "coordinating a plurality of tasks" (e.g., project) "to be carried out by a plurality of task personnel" and column 7, lines 36-37 which teaches "display of relevant tasks is constructed using direct involvement")
- *said stake holder inference means that infers and specifies stake holders who are relevant to said objects which are to be influenced by said project program change by using information, being stored in a data storage means therein, of peoples and organization regarding said project* (Figure 19 which it illustrates a data storage means and Figure 2 which it illustrates an input of who are responsible and involved in a task);

**Claim 4:**

Miller as shown discloses the following limitation:

- *a process that manages information regarding approvals given by said stake holders and stores said information in a data storage means is included* (Figure 19



which it illustrates a data storage means and Figure 15A which it illustrates "Does the Parent Accept or Reject Blowout?" where a user "Accept" (e.g., approve) or "Reject);

**Claim 5:**

Miller as shown discloses the following limitation:

- *project programs to be changed or to have been changed in said project program change cover: organization change* (Figure 3, which it illustrates task details modifications (e.g., organization change));

Miller teaches that "determining involvement in a new task, the number of levels of involvement in the task can be customised to match a given environment" (Column 9, lines 1-3). Miller does not disclose the following limitation, however Barnard in an analogous art of task management for the purpose of project development (page 2, ¶ 0020) as shown, does:

- *process programs, financial budgets, head count budgets of working persons,, material budgets, risk management programs, procurement programs, quality control programs, operation rules and elemental prescription of contracted agreements* (Figure 2, page 2, ¶ 0022: which teaches that Barnard's system is "for preparing a general procurement and account payable application" and page 3, ¶ 0038, which teaches that Figure 2 illustrates that "the various departments and individuals representing team members 64 include business office 120, architecture 122, education and training 124, project manager 126, Req/Cat development 128, business process design 112," (e.g., process program) "electronic data interchange (EDI) 114, application development 116," (e.g., procurement programs) "information technology 130, business controls 132," (e.g., quality control programs) "procurement process 134, transition management 136, SAP development 138, marketing 118, general procurement operations 98, and support management 96." where "[e]ach of these departments and individuals perform various rolls and

functions during the life of the project from assessment through deployment and use" (e.g., project programs to be changed));

The combination of Miller/Barnard does not expressly teach the all the specific data as recited in the limitations, however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP ' 2106;

**Claim 6:**

Miller as shown discloses the following limitation:

- *on a basis of a predetermined criterion for evaluating influence against said objects is included* (Figures 15 and 15A, column 10, lines 23-26 where Miller discloses a change involving task dates and how those areas that are affected are informed of the change, the predetermined criteria is the parent task dates and the change is the time blowout);

Miller does not disclose the following limitation, however Barnard in an analogous art of task management for the purpose of project development (page 2, ¶ 0020) as shown, does:

- *a process to infer and specify objects which are to be influenced by said project program change* (page 5, ¶ 0053, page 7 and 9, Table 4, which teaches that "[a] user with appropriate authority may then view, correct, update, approve or otherwise modify the displayed task" where in Table 4 illustrates that when Task ID P83 is modified, the system "[a]ssess customer impact" (e.g., influence) "on internal Enterprise workload" (e.g., object). Barnard teaches that the invention as disclosed infers and specifies objects/task in response to a modification in Task ID

P83. In addition, Task ID PD42, the system "[a]ssess supplier impacts related to transition management" (e.g., changes/modifications in transition management) and Task ID PD43, the system then "[a]ssess Enterprise support impacts related to transition management");

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to determine what objects (e.g., tasks, activities, deliverables) are influenced by a change as taught by Barnard, to improve Miller task management, thereby giving the predictable result of "tracking team activities" (Barnard, page 2, ¶ 0022) and to control and monitor "a project by storing and maintaining the result of the project activities" in order "to ensure consistency and data accuracy" (Barnard, page 14, Table 9, Description).

**Claim 7:**

Miller as shown discloses the following limitation:

- *an initial data regarding project programs is updated only when all relevant stake holders accept an arbitral project program change or said stake holders approve updating of said initial data regarding project program on a basis of a predetermined criterion for evaluating said updating* (column 10 lines 8-10: which teaches that "only the person responsible can accept or reject the recommendation and update task details.");

**Claim 8**

Miller as shown discloses the following limitation:

- *said information, being stored in a data storage means therein, of the restrictive condition regarding said project includes at least sequential order of tasks or milestones, due date of contracted matters, available financial budget and operators, an upper limit of quantity of materials, equipments and machineries and restrictive condition based on operation rules and elemental prescription of contracted agreements* ((Figure 19 which it illustrates a data storage means, Figure

1A which it illustrates a sequential order of tasks and their milestones and Figure 2 which it illustrates input for a plan cost (e.g., available financial budget));

**Claim 9:**

Miller as shown discloses the following limitations:

- *a process to infer and specify not only direct but also indirect influences by said project program change is included* (Figure 3, which it illustrates that "[f]or each task determine who is directly and indirectly involved in the task" where Miller teaches that the process determines direct and indirect influences (e.g., people involved));

**Conclusion**

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Swanke et al (US 7,212,987 B2) disclose a system and method for planning a design project, coordinating project resources and tools and monitoring project progress.
  - Frisco et al (US 2003/0061330 A1) disclose a web-based collaborative project and process management solution.
  - Rosnow et al (US 7,051,036 B2) disclose a computer-implemented system and method for project development.
  - Wolters, Jr. et al (US 5,826,252) disclose a system for managing multiple projects of similar type using dynamically updated global database.
  - Wood (US 5,381,332) discloses a project management system with automated schedule and cost integration.
  - Srinivasan (US 5,548,506) discloses an automated, electronic network based project management server system for managing multiple work-groups.
  - Hughes et al (US 5,893,074) discloses a network based task management.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nadja Chong** whose telephone number is **571.270.3939**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **BETH VAN DOREN** can be reached at **571.272.6737**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

*Commissioner of Patents*

*P.O. Box 1450*

*Alexandria, VA 22313-1450*

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

/Nadja Chong/ Examiner, Art Unit 3623

20 July 2008

/Scott L. Jarrett/

Primary Examiner, Art Unit 3623